

618 LA PAZ



**BUILDING AND STANDARDS BOARD AGENDA ITEM # 4 FOR
WEDNESDAY, JULY 29, 2009**

**DEVELOPMENT SERVICES
BUILDING PERMITS AND INSPECTIONS**

**MEMORANDUM
July 21, 2009**

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres - Director for Development Services

FROM: Bill Stern, C.B.O., Chief Building Inspector

SUBJECT: 618 La Paz Drive, El Paso, Texas 79915

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated March 25, 2009. The single family dwelling was built in 1969. At the time of the investigation the structure was found in a state of disrepair, open, abandoned and being used as harborage by vagrants. The roof and ceiling assembly and coverings are showing signs of decay and deterioration, and have collapsed in some areas due to lack of maintenance.
- 2) A certified condemnation letter was mailed to Ernesto Garcia and Rufina Garcia 618 La Paz Drive, El Paso, Texas 79915.
- 3) Certified notices of the public hearing scheduled for July 29, 2009, were mailed to the owners and all interested parties on July 15, 2009.
- 4) As of July 9, 2009, \$1,572.22 is owed.

The owner has been notified of the violations at this property, to date there has been no response or corrective action has been taken, therefore the Department recommends that it be found:

- 1) That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structure is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy be revoked; and
- 4) That the main structure be secured and maintained secure within 30 days; and
- 5) That the main structure be secured and maintained secure within 30 days; and
- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within 30 days; and
- 7) That upon failure by the owner or any interested party to comply with order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for work done by the city.
- 8)



DEVELOPMENT SERVICES DEPARTMENT

March 25, 2009

Ernesto Garcia
Rufina Garcia
618 La Paz Dr
El Paso, Texas 79915-2706

Re: 618 La Paz Dr.
Blk: 29 Sageland Replat
Lot: 29 Sageland Replat
Zoned: R3
BSC09-00182
Mail Receipt #:
7007 3020 0001 2772 9812

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.106.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.106.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.106.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrnes

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.106.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **618 La Paz Dr., El Paso, Texas, 79915**, is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- b. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- c. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- d. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- e. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- f. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- g. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- h. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code

violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

Sincerely,

Raul Bueno
Building Inspector

RB/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **29th** day of **July, 2009** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the building located on the property at **618 La Paz Avenue**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 17, Block 29, SAGELAND ADDITION REPLAT SECTION TWO, City of El Paso County, Texas, according to the map and plat thereof on file in Volume 2, Page 49, Plat Records filed in the Office of the County Clerk, El Paso County, Texas

is unsafe and dangerous, because of the following violations:

- a. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- b. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- c. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- d. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- e. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- f. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- g. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- h. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso, Rufina and Ernesto Chavez, 618 La Paz Drive, El Paso, Texas, 79915, Estate of Dario Garcia, 618 La Paz Drive, El Paso, Texas, 79915, E & S Investments Joint Venture, 222 South El Paso Street, El Paso, Texas, 79901, William Ehrlich or Herbert Ehrlich, Trustees for E & S Investments Joint Venture, 109 North Oregon St., El Paso, Texas, 79901, Rocky Mountain Mortgage Co., 2244 Trawood #110, Box 371370, El Paso, Texas, 79935, Beverly Mistrin or Raymond Malphurs, Trustees for Rocky Mountain Mortgage Co., c/o

Barrett, Burk, Wilson, Castle, Daffin & Frapper, LLP, 1500 Surveyor Blvd., Suite 100, Addison, Texas, 75001 (the '**Owners**') are listed as the owners of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owners of said property is hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owners, lien holders, mortgagees, or any other person having an interest in the property is hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owners, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of the Commission the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owners show that the property is the Owner's lawful homestead; and
- III) appoint a receiver as permitted by state law; and

IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Cynthia S. Osborn
Assistant City Attorney

Bill Stern, C.B.O.
Chief Building Official
Building Permits and Inspection Department

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 618 La Paz Avenue was PUBLISHED in the official City newspaper on the ____ day of _____, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 618 La Paz Avenue was HAND-DELIVERED to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 618 La Paz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Rufina & Ernesto Chavez
618 La Paz
El Paso, Texas 79915

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 618 La Paz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Estate of Dario Garcia
618 La Paz
El Paso, Texas 79915

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 618 La Paz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

E & S Investments Joint Venture
222 S. El Paso
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 618 La Paz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

William Ehrlich or Herbert Ehrlich
Trustees for E & S Investments Joint Venture
109 N. Oregon St.
El Paso, Texas 79901

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 618 La Paz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Rocky Mountain Mortgage Co.
2244 Trawood #110
Box 371370
El Paso, Texas 79935

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 618 La Paz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Beverly Mistrin or Raymond Malphurs
Trustees for Rocky Mountain Mortgage Co.
c/o Barrett, Burk, Wilson, Castle,
Daffin & Frapper, LLP
15000 Surveyor Blvd, Suite 100
Addison, Texas 75001

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 618 La Paz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 618 La Paz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date:
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 618 La Paz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court
500 E. San Antonio Avenue, Suite 703
El Paso, Texas 79901

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 618 La Paz Avenue was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer
Linebarger, Heard & Perez, LLP
Attn: Bonnie Cooper
221 N. Kansas Suite 1400
El Paso, TX 79901

Date:

Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 618 La Paz Avenue, El Paso, Texas.

Date:

Time:

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: July 7, 2009

REP. DISTRICT: 6

ADDRESS: 618 La Paz Drive

ZONED: A3

LEGAL DESCRIPTION: Lot 17, Block 29, SAGELAND ADDITION REPLAT SECTION TWO, City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 2, Plat Records filed in the Office of the County Clerk, El Paso County, Texas.

OWNER: Rufina and Ernesto Chavez

ADDRESS: 618 La Paz Drive

Estate of Dario Garcia

El Paso, Texas 79915

E & S Investments Joint Venture

618 La Paz Drive

El Paso, Texas 79915

William Ehrlich or Berbert Ehrlich,
Trustees for E 7 S Investments Joint Venture
Rocky Mountain Mortgage Co.

222 South El Paso Street

El Paso, Texas 79901

109 N. Oregon, St.

El Paso, Texas 79901

2244 Trawood #110

Box 371370

El Paso, Texas 79935

Beverly Mistrin or Raymond Malphurs,
Trustees for Rocky Mountain Mortgage Co.,
c/o Barrett, Burk, Wilson, Castle,
Daffin & Frapper, LLP

1500 Surveyor Blvd., Suite 100

Addison, Texas 75001

BUILDING USE: Single family dwelling

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: N/A

CONDITION:

FLOOR STRUCTURE: Slab on grade with vinyl and ceramic tile.

CONDITION: Poor. A structural engineer or registered contractor should be hired to evaluate the flooring system.

EXTERIOR WALLS: Wood frame with stucco covering.

HEIGHT: 14' +/-

THICKNESS: 6"

CONDITION: Good. A structural engineer should be hired to evaluate structural elements of the building and submit a report.

INTERIOR WALLS & CEILINGS: All sheetrock.

CONDITION: Poor. Ceiling and walls have major moisture damage due to roof leaks. Walls are crumbling, ceiling major damage.

ROOF STRUCTURE: Rolled composition roof and wood frame.

CONDITION: Poor. The roof system is in a advanced state of disrepair.

DOORS, WINDOWS, ETC.: Aluminum frame windows and wood frame doors.

CONDITION: Poor. Broken windows.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. The doors and windows must be replaced to meet minimum egress requirements and become operational.

PLUMBING: A licensed plumber should be hired to bring system up to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system to minimum code compliance.

ELECTRICAL: A licensed electrical contractor should be hired to bring system up to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system to minimum code compliance.

MECHANICAL: A licensed electrical contractor should be hired to bring system up to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system to minimum code compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: None

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: Yes

REMARKS: This single family dwelling was built in 1969. This open and abandoned structure was found to be in a state of disrepair and being used as harborage by vagrants. The department is recommending that the structure be secured and maintained secured within thirty (30) days and the property be cleaned and maintained clean within thirty (30) days.

Raul Bueno

Building Inspector